IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JACQUELINE JOHNSON,
    on behalf of herself and all others similarly situated,

Plaintiff,

v.

THE PROCTER & GAMBLE COMPANY,
MENU FOODS, INC.,
MENU FOODS INCOME FUND,
THE IAMS COMPANY, and
JOHN DOES 1 - 100,

Defendants,

ORDER

07-C-0159-C

This case is a potential class action and potential multidistrict litigation tag-along action (in MDL Docket No. 1850) involving allegations of tainted pet food. On March 30, 2007, plaintiff filed a motion to preserve evidence (dkt. 6), which defendants oppose (dkt. 11) and a motion for class certification (dkt. 7) which has yet to be briefed.

This court will stay any action on plaintiff's motion for class certification and will postpone holding its telephonic preliminary pretrial conference until June 27, 2007 at 9:00 a.m. in order to provide time for the Judicial Panel on Multidistrict Litigation to act on this case. Plaintiff's counsel shall report to this court forthwith any MDL occurrences relevant to the instant lawsuit. If nothing noteworthy on the MDL front occurs prior to this court's conference, then the parties must prepare for the conference in accordance with this court's standard procedures, which are attached to this order.

Having considered the submissions on plaintiff's motion to preserve evidence, I am denying the motion without prejudice. The court presumes that the defendants and their attorneys already are aware of and will comply with their discovery obligations in this case and the others. In support of her motion, plaintiff merely outlines a series of alleged bad acts by some of the defendants and their agents, none of which suggest that the defendants have engaged in or will engage in the spoliation of evidence. In short, plaintiff has not established any actual need for a prophylactic order of a sort not contemplated by the rules of civil procedure.

Entered this 25th day of April, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge